

REMARKS

In the Office Action the Examiner required the submission of a Substitute Specification using proper idiomatic English. The Substitute Specification filed herein contains no new matter.

The Examiner also rejected all claims under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner pointed out that the claims are replete with grammatical and idiomatic errors, and have numerous terms which lack antecedent basis.

All claims have now been amended to satisfy the objections raised by the Examiner under Section 112, and to conform to any new terminology adopted to clarify the description of the invention in the Substitute Specification. As such, the claims are believed to comply with all procedural requirements relating to claims.

The Examiner rejected claims 1, 2, 5, 6, and 8 under 35 U.S.C. § 102(b) as being anticipated by Canton Gongora et al., U.S. Patent No. 5,797,568. According to the Examiner, all of the claimed features of applicant's invention are disclosed in Gongora.

Claim 1, upon which all other claims depend, has now been amended to clarify that the claimed device is a combination television support and related appliance support. In claim 1, the intermediate structure is mounted on top of the horizontal tubular arm, and the two parallel tubular structures upon which the television will be located are attached to the top of the intermediate structure (necessarily requiring them to be above the horizontal tubular arm). They are horizontally oriented and are situated perpendicularly to the horizontal tubular arm. Added stability and support are provided by two supporting blades that are affixed to the top of the parallel tubular structures.

Gongora does not disclose any of these features. Gongora teaches a television stand that supports a television on a single rectangular plate mounted horizontally at the base of a supporting structure that, itself, is mounted beneath the horizontal supporting arm. Although Gongora does disclose some intermediate structure and parallel tubular structures, the intermediate structure is not located above the horizontal tubular arm, and the parallel tubular structures that support the television are not located above the intermediate structure. In addition, the parallel tubular structures of Gongora are not horizontally oriented to support a television, and are not further supported by supporting blades (4a), as are claimed in claim 1.

Applicant's invention provides an efficient wall mounted television support that positions the television above the horizontal supporting arm, and that has far fewer structural elements than are disclosed by Gongora. By situating the television above the horizontal supporting arm, Applicant has substituted a single, small, lightweight intermediate structure for the numerous telescopically-configured vertically extending tubular supports of Gongora. By placing the television above the horizontal supporting arm, as in claim 1, Applicant has provided space below the horizontal supporting arm for mounting a related appliance, such as a video cassette player or a digital video disc player or some other appliance, and has claimed a combination wall support for a television and a related appliance. The mounting unit disclosed by Gongora does not provide for, nor teach or suggest the combined mounting of a television and a related appliance.

As amended and clarified, claim 1 is not anticipated by Gongora, nor does Gongora taken together with any other cited prior art suggest the configuration and attendant advantages that are claimed in claim 1. Applicant respectfully requests the Examiner to withdraw his rejection of claim 1.

Claim 2 was also rejected by the Examiner under 35 U.S.C. § 102(b), under Gongora. Claim 2 depends from claim 1, and should be allowable if claim 1, as amended, is found to be allowable. Claim 2, however, adds the additional limitation that the two parallel horizontal tubular structures have side panels connected to the tubular extensions of both tubular structures at the ends of the tubular extensions. The side panels prevent the inadvertent sideways sliding of a television supported by the parallel tubular members, and also provide a modicum of structural integrity by forming a rigid connection between the parallel tubular structures at the extreme ends of their extensible members. Although Gongora has vertical supporting members to either side of the television supporting plate, they are weight-bearing members, and are neither designed nor intended to arrest any sliding motion of a television on the supporting plate. Moreover, while the vertical supporting members do support the supporting plate along a lateral centerline, they do not otherwise enhance its rigidity, nor prevent it from buckling or twisting as the side panels of Applicant's invention are intended to do.

All other claims depend from claim 1, and would be allowable if claim 1 is found to be allowable. In the Office Action, the Examiner suggested that claims 3, 4, 7, 9, 10, and 11 would be allowable if rewritten to overcome the rejections under Sec. 112, and to include all of the limitations of the base claim and any intervening claims. In view of the amendments to claim 1, Applicant believes it is not necessary to rewrite those claims in independent form. Claim 1 having been rewritten to overcome the Examiner's Section 102(b) rejection, all claims should now be deemed allowable. The Examiner is respectfully requested to withdraw his rejections of all claims.

Dated: January 4, 2005

Respectfully submitted,



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